In the High Court of Punjab and Haryana at Chandigarh

…

Date of decision:15.9. 2006

Jai Ram Dass Kakkar ..Petitioner

Versus

State of Punjab and another ..Respondents

Coram: **Hon'ble Mr.Justice J.S.Khehar**
Hon'ble Mr.Justice S.D.Anand

Present: Mr.H.R.Mittal,Advocate
for the petitioner

J.S.Khehar,J.(Oral)

Through the instant writ petition, the petitioner who is a retired Laboratory Technician Grade I seeks a writ in the nature of mandamus so as to require the respondents to re-fix the pay of the petitioner in the scale of Rs.700-1580 with effect from 1.1.1978 and in the scale of Rs.1800-3200 with effect from 1.1.1986.On the basis of the aforesaid re-fixation of pay, the petitioner also claims revised retiral benefits.

So as to address the instant claim to the authorities, the petitioner had in the first instance issued a legal notice dated 28.4.2006 (Annexure P-9). It is however, pointed out that no decision had been taken thereon till date.

Learned counsel for the petitioner states that the petitioner will be satisfied if the instant writ petition is disposed of by requiring respondent No.2,i.e.,the Director, Health and Family Welfare,Punjab to take a final decision on the legal a notice dated 28.4.2006 (Annexure P-9).

Notice of motion. On our asking, Mr. Ashok Aggarwal, Addl. A.G. Punjab accepts notice on behalf of respondent Nos.1 and 2. Learned counsel for the respondents states that he has no objection to the disposal of the instant writ petition in terms of the prayer made by the counsel for the petitioner.

In view of the above, without going into the merits of the claim

raised by the petitioners, we consider it just and appropriate to dispose of the instant writ petition by directing respondent No.2,i.e.,Director Health and Family Welfare, Punjab to take a final decision on the legal notice dated 28.4.2006 (Annexure P-9) by passing a well reasoned speaking order within three months from the date of receipt of certified copy of this order. In case the petitioner is found entitled to any monetary benefits, the same shall be calculated and released to him within a further period of one month. It is, however, clarified that the petitioner shall be entitled to arrears only for a period of 3 years 2 months preceding the date of filing of the instant writ petition.

It is also clarified that the instant writ petition was filed on 14.8.2006.

Writ petition is disposed of accordingly.

Copy of the order be given dasti on usual charges.

(J.S.KHEHAR)
JUDGE

September 15,2006
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(S.D.ANAND)
JUDGE